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February 3, 2025

VIA ECF

Hon. Cheryl L. Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 1230
Brooklyn, NY 11201

**Re: *American Transit Insurance Co. v. Pierre et al.*, 1:24-cv-00360-RPK-CLP –
Motion to Strike Defaulted Defendant Bradley Pierre’s Unauthorized Reply
Concerning His Blanket Fifth Amendment Objection to Discovery**

Dear Magistrate Judge Pollak:

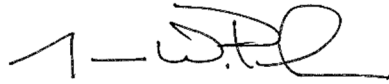
On behalf of Plaintiff American Transit Insurance Company (“ATIC”), we submit this letter motion to strike the unauthorized January 31, 2025, reply (ECF No. 148) of defendant in default Bradley Pierre apparently filed in response to the Court’s December 11, 2024, Electronic Order requiring that Pierre “provide legal authority in support of his blanket objections based on the Fifth Amendment.” The Court’s December 11 Order directs that Pierre was to make a single submission, “by 1/10/25” (underscore in original). Pierre did not comply with any part of the directive, having failed to (1) file a timely letter response, rather filing one on January 16, 2025 (ECF No. 143), six days late, (2) cite a single legal authority supporting his blanket Fifth Amendment objection, (3) abide by the single filing limitation set by the Court. Moreover, Pierre’s three-page reply is not at all responsive to the December 11 Order, with the only statement relating to the Fifth Amendment objection being the conclusory statement that “Mr. Pierre *never* waived his 5th Amendment privilege . . .” and not at all addressing his blanket objection (emphasis in original). Pierre entirely ignored the dispositive case law cited in ATIC’s response (ECF No. 145) holding that such rights can be waived (as Pierre did) and they do not even attach under the facts in this case.

Accordingly, Pierre’s January 31, 2025, letter reply should be disregarded as unauthorized and non-responsive to the December 11, 2024, Order of the Court.¹

¹ Pierre’s request for Fed. R. Civ. P. Rule 11 relief is baseless both in substance and because the Rule has no application to this discovery-related issue. See Fed. R. Civ. P. 11(d).

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. W. Perkins', with a long horizontal stroke extending to the right.

James W. Perkins

cc: All Counsel of Record (via ECF)